

REMARKS

Restriction Requirement

Applicants herein acknowledge the restriction requirement in the above-referenced application. Claims 1 through 35 are currently pending in the application. The Office has identified the following groups of claims as being drawn to separate inventions:

Invention I – Claims 1-15 and 30-35, drawn to a composition comprising a carrier and particulates comprising an active agent and a method for making the same, classified in class 424, subclass 489.

Invention II – Claims 16-29 drawn to a composition comprising a polymer gel, a solvent, and particulates comprising an active agent selected from a list, classified in class 424, subclass 501.

Applicants hereby elect the claims of Invention I, claims 1-15 and 30-35, without traverse.

Election of Species Requirement

Applicants also acknowledge the Election of Species Restriction Requirement.

Applicants hereby elect, without traverse, to prosecute the species of invention as set forth in claims 1-4, 8-13, 30, 31, 34, and 35 (drawn to C₁₆-C₂₄ fatty acid esters as hydrophobic agents; proteins as active agents; poly(lactide-co-glycolic) acid as polymers; and alkyl esters of benzoic acid as solvents), illustrated in drawing Figs. 1-6.

Applicants consider claims 1-3, 8, 9, and 30 to be generic, and note that upon allowance of a generic claim, claims 4, 10-15, and 31-35 depending therefrom in a non-elected species would also be allowable.

Please Note Information Disclosure Statement

Applicants wish to draw the Examiner's attention to the Information Disclosure Statement filed with the Office on May 25, 2005, and respectfully request that the documents or other information referenced therein be made of record in the present application and that an initialed copy of the PTO/SB/08 form be returned to the undersigned attorney evidencing same.

Should any of the documents, or portions thereof, be unavailable to the Examiner for any reason, please contact the undersigned attorney, who will supply same immediately by facsimile or other suitable method of delivery.

CONCLUSION

An early Office Action on the merits is respectfully solicited.

Respectfully submitted,



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Date: October 26, 2006
ERC/nj:tp
Document in ProLaw